

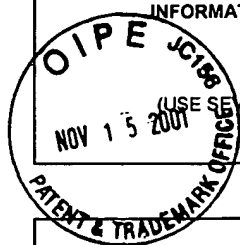
FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
MASIMO.1FW1C4

APPLICATION NO. 09/757,444

INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT
Mohamed Kheir Diab, et al.FILED
9 JAN 2001GROUP
Unknown

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NOV 28 2001
TECHNOLOGY CENTER R3700

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	3,638,640	2/1972	Shaw			
	3,991,277	11/1976	Hirata			
	3,998,550	12/1976	Konishi, et al.			
	4,238,746	12/1980	McCool, et al.			
	4,243,935	1/1981	McCool, et al.			
	4,266,554	5/1981	Hamaguri			
	4,305,398	12/1981	Sawa			
	4,446,871	5/1984	Imura			
	4,519,396	5/1985	Epstein, et al.			
	4,586,513	5/1986	Hamaguri			
	4,617,589	10/1986	Weckenbrock			
	4,653,498	3/1987	New, Jr., et al.			
	4,694,833	9/1987	Hamaguri			
	4,714,341	12/1987	Hamaguri, et al.			
	4,751,931	6/1988	Briller, et al.			
	4,781,200	11/1988	Baker.			
	4,802,486	2/1989	Goodman, et al.			
	4,807,631	2/1989	Hersh, et al.			
	4,819,646	4/1989	Cheung, et al.			
	4,858,199	8/1989	Griffith			
	4,859,056	8/1989	Prosser, et al.			
	4,883,356	11/1989	deMey, II			
	4,913,150	4/1990	Cheung, et al.			
	4,934,372	6/1990	Corenman, et al.			
	4,942,877	7/1990	Sakai, et al.			
	5,042,499	8/1991	Frank, et al.			
	5,246,002	9/1993	Prosser			

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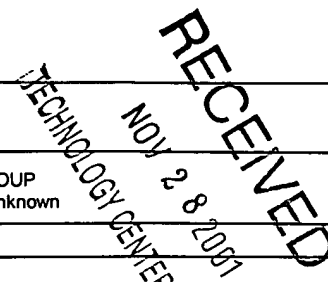
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
JS	5,259,381	11/1993	Cheung, et al.	II		
JS	5,842,981	12/1998	Larsen, et al.	II		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
JS	EP 0 760 223 A1	8/1995	European	II			
JS	EP 0 761 159 B1	8/1996	European	II			

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JS

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FORM PTO-101 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. MASIMO.1FW1C4	APPLICATION NO. 09/757,444
	APPLICANT M. Diab et al.		
	FILING DATE 01/09/01	GROUP Unknown	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Σ	4 8 0 0 4 9 5	1/24/89	Smith			
	4 9 1 1 1 6 7	3/27/90	Corenman et al.			
	4 9 2 8 6 9 2	5/29/90	Goodman et al.			
	5 0 5 7 6 9 5	10/15/91	Hirao et al.			
	5 2 7 3 0 3 6	12/28/93	Kronberg et al.			
	4 5 3 7 2 0 0	8/85	Widrow			
	4 6 4 9 5 0 5	3/87	Zinser, Jr. et al.			
	4 7 9 9 4 9 3	1/89	DuFault			
	4 9 5 6 8 6 7	9/90	Zurek et al.			
	4 8 2 4 2 4 2	4/25/89	Frick et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

Σ	1.	Harris et al, <u>Digital Signal Processing with Efficient Polyphase Recursive All-Pass Filters</u> , International Conference, Florence, Italy, 9/4-6, 1991.
	2.	Rabiner, Lawrence et al., <u>Theory and Application of Digital signal Processing</u> , 1975, p. 260.
	3.	Tremper, Kevin K. et al, "Pulse Oximetry: Technical Aspects of Machine Design", <u>Advances in Oxygen Monitoring</u> , pp. 137-153, 1987.
	4.	Brown, D.P., "Evaluation of Pulse Oximeters Using Theoretical Models and Experimental Studies", Master Thesis, University of Washington, 11/25/87.
	5.	Haykin, S, <u>Adaptive Filter Theory</u> , Prentice Hall, Englewood Cliffs, NJ 1991.

EXAMINER 	DATE CONSIDERED 7/16/02
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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

APPLICATION NO.

MASIMO.1FWICA

09/757,444

INFORMATION DISCLOSURE STATEMENT
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APPLICANT

M. Diab et al.

FILING DATE

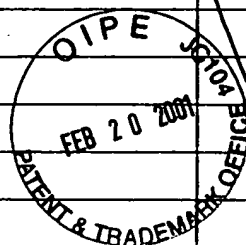
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GROUP

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>E</i>	4 8 6 3 2 6 5	9/5/89	Flower et al.			
	4 8 6 7 5 7 1	9/19/89	Frick et al.			
	4 8 9 2 1 0 1	1/9/90	Cheung et al.			
	4 9 0 7 5 9 4	3/13/90	Muz			
	4 9 5 5 3 7 9	9/11/90	Hall			
	3 6 4 7 2 9 9	3/7/72	Lavallee			
	3 7 0 4 7 0 6	12/5/72	Herczfeld et al.			
	4 0 6 3 5 5 1	12/20/77	Sweeney			
	4 0 8 6 9 1 5	5/2/78	Kofsky et al.			
<i>E</i>	4 0 9 5 1 1 7	6/13/78	Nagy			



FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

<i>E</i>	6.	Widrow, Bernard, <u>Adaptive Signal Processing</u> , Prentice Hall, Englewood, NJ, 1985.
<i>E</i>	7.	Cohen, Arnon, "Volume I: Time and Frequency Domains Analysis", <u>Biomedical Signal Processing</u> , CRC Press, Inc., Boca Raton, FL, pp. 152-159.
	8.	Severinghaus, J.W., "Pulse Oximetry Uses and Limitations", pp. 104, ASA Convention, New Orleans, 1989.
<i>R</i>	9.	Mook, G.A., et al., "Spectrophotometric Determination of Oxygen Saturation of Blood Independent of the Presence of Indocyanine Green", <u>Cardiovascular Research</u> , Vol. 13, pp. 233-237, 1979.

EXAMINER

DATE CONSIDERED

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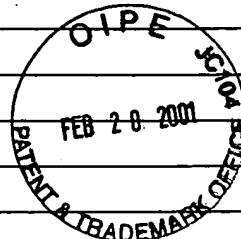
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		FILING DATE 01/09/01	GROUP Unknown

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	5,431,170	07/11/95	Mathews			
	4,960,126	10/2/90	Conlon et al.			
	5,769,785	6/98	Diab et al.			



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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	2235288	27/02/91	GB				
	2166326	30/04/86	GB				
	341 327	15/11/89	EU				
	3328862	28/02/85	DE				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	European Search Report, 15/09/99

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT Diab et al.	
(USE SEVERAL SHEETS IF NECESSARY)		FILING DATE January 9, 2001	GROUP 3736

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	5,482,036	1-9-96	Diab et al.			
	5,490,505	2-13-96	Diab et al.			
	5,632,272	5-27-97	Diab et al.			
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	5,769,785	6-23-98	Diab et al.			
	6,036,642	3-14-00	Diab et al.			
	6,081,735	6-27-00	Diab et al.			
	6,157,850	12-5-00	Diab et al.			
	6,206,830	3-27-01	Diab et al.			
	6,263,222	7-17-01	Diab et al.			
	6,236,872	5-22-01	Diab et al.			

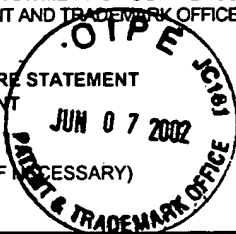
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JUN 13 2002
TC 3700 MAIL ROOM

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	1. Ferrera, Earl R., "Fetal Electrocardiogram Enhancement by Time-Sequenced Adaptive Filtering", IEEE Transactions on Biomedical Engineering, Vol. BME 29, No. 6, June 1982
	2. Hendry, S.D., "Computation of Harmonic Comb Filter Weights", IEEE Transactions on Signal Processing, Vol. 41, No. 4, April 1993
	3. Li, Gang, "A Stable and Efficient Adaptive Notch Filter for Direct Frequency Estimation", IEEE Transactions on Signal Processing, Vol. 45, No. 8, August 1997
	4. Nehorai, Arye, "Adaptive Comb Filtering for Harmonic Signal Enhancement", IEEE Transactions on Acoustics, Speech and Signal Processing, Vol. ASSP 34, No. 5, October 1986
	5. Nehorai, Arye, "A Minimal Parameter Adaptive Notch Filter With Constrained Poles and Zeros", IEEE Transactions on Acoustics, Speech and Signal Processing, Vol. ASSP 33, No. 4, August 1985
	6. Strobach, Peter, "Single Section Least Squares Adaptive notch Filter", IEEE Transactions on Signal Processing, Vol. 43, No. 8, August 1995
	7. Widrow, Bernard, et al., "Adaptive noise Cancelling: Principles and Applications", Proceedings of the IEEE, Vol. 63, No. 12, December 1975
	8. Yelderman, Mark, et al., "ECG Enhancement by Adaptive Cancellation of Electrosurgical Interference", IEEE Transactions on Biomedical Engineering, Vol. BME-30, No. 7, July 1983
	9. Yelderman, Mark, et al., "Sodium Nitroprusside Infusion by Adaptive Control", Adaptive Control by inverse Modeling, Conference Record: 12 th Asilosor Conference 90 (1978)
	10. Findings of Fact and Conclusions of Law Regarding Masimo's Motion for Preliminary Injunction, signed by District Court Judge on November 2, 2000.
	11. Nellcor's Third Amended Complaint for Patent Infringement.
	12. Nellcor's and Mallinckrodt's Amended and Supplemental Answer and Counterclaims to Masimo Corporation's First Amended Complaint in Case No. CV-01-7293-MRP (AJWx).
	13. Nellcor's and Mallinckrodt's Amended and Supplemental Answer and Counterclaims to Masimo Corporation's First Amended Complaint in Case No. CV-01-7292 MRP (AJWx).

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		FILING DATE January 8, 2001	GROUP 3736



EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	14. Nellcor's and Mallinckrodt's First Amended and Supplemental Reply and Counterclaims to Counterclaims of Masimo Corporation.

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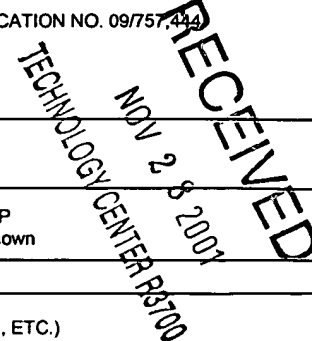
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	1.	Braun, S., et al., "Mechanical Signature Analysis - Theory and Applications," pp. 142-145, 202-203 (1986).
	2.	Glover, Jr., John Richard, "Adaptive Noise Canceling of Sinusoidal Interferences," A Dissertation Submitted to the Department of Electrical Engineering and the Committee on Graduate Studies of Stanford University in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy, pp. iii-82 (1975).
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	4.	European Search Report, 00/08/00.
	5.	United States District Court - Civil Minutes, Case No. SA CV 99-1245 AHS (Anx), <i>Masimo v. Mallinckrodt and Nellcor Puritan Bennett</i> , Dated: 10/04/00.
	6.	United States Court of Appeals for the Federal Circuit - Opinion, Case No. 01-1038, - 1084, <i>Masimo v. Mallinckrodt, Inc. and Nellcor Puritan Bennett, Inc.</i> , Decided: 08/08/01.

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